

1

## REMARKS

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1. The Office Action of October 12, 2001 is hereby acknowledged. This Amendment Under 37 C.F.R. §1.111 is being mailed by Express Mail, Mail Label No. EV 593948561US, in a postage paid envelope addressed to Commissioner for Patents, P.O. Box 11450, Alexandria, Virginia 22313-1450 on June 20, 2005. The three month statutory time to respond to the Office Action expired on May 7, 2005. Concurrently with the filing of this amendment, the Applicant is requesting a two-month extension of time and has paid the required fee of \$225.00. Therefore, this amendment is timely filed. In the event the Commissioner for Patents should determine that the enclosed check is insufficient or if any additional fee is due for any additional extensions of time that are necessary in order to make this amendment timely filed, then the Commissioner for Patents is hereby authorized to charge my Deposit Account No. 18-2222 for the appropriate fee.

2. The original '418 Application had 8 claims of invention of which 6 were independent claims. Through this amendment, only two remaining claims remain in the application and they are both independent claims. Therefore, there are 6 fewer claims and 3 fewer independent claims than the originally filed application. Therefore, no additional filing fee is due.

3. The Examiner's detailed analysis of the '418 Application is acknowledged with appreciation. The Applicant will address each of the issues raised by the Examiner in the order in which they appear.

3.01 Under the heading "Drawings", the Examiner has correctly pointed out the error in the drawings. The Applicant has corrected this error by having a new reference numeral 69 to designate the innermost portion of the upper surface. Also, pursuant to this Amendment, the text on Page 4, Line 28 and continuing to Page 5, Lines 1 through 3, have been amended to now correctly define the entire portion. This portion of the patent application now reads "The

1 upper surface 64 is initially horizontal at the innermost portion 69 of second section 60 and then  
2 tapers to an angled portion 65 until it once again converts to an outermost horizontal portion 67  
3 against its outward end 76, the outermost horizontal portion 67 positioned lower than the  
4 innermost horizontal portion 69.” A new reference numeral 69 has been added in red to indicate  
5 the innermost horizontal portion. Therefore, with this amendment to the patent specification and  
6 the amendment to drawings, it is believed that the Examiner’s criticism concerning the drawing  
7 has been overcome.

8 Enclosed herewith is a proposed amendment to the drawing wherein a new  
9 reference numeral 69 has been added to Figure 1 to address the Examiner’s concerns. Once the  
10 Examiner approves this change, the Applicant will submit a formal drawing with 69 in standard  
11 lettering.

12 3.02 Under the heading “Specification”, the Applicant acknowledges the  
13 Examiner’s statement concerning the title of the invention and has amended the title of this  
14 invention through this amendment to now read “PUSH BROOM WHICH IS CONVERTIBLE  
15 TO A HANDHELD WHISK BROOM” in order to bring it into compliance with the Examiner’s  
16 directives. Therefore, this directive has been complied with.

17 3.03 The Applicant acknowledges the claim objections raised by the Examiner.  
18 Based upon the prior art that the Examiner cited, the Applicant has cancelled Claims 2, 4 and 7.  
19 Therefore, the Examiner’s objections to Claims 2, 4 and 7 are moot.

20 3.04 The Applicant acknowledges the Examiner’s rejection of Claims 2 through  
21 5 and 7 through 8 based on United States Patent 5,517,710 issued to Hisey (hereafter the “Hisey  
22 Patent”). The Applicant also acknowledges the Examiner’s rejection of Claims 3, 4 and 8 under  
23 35 U.S.C. Section 102(e) as being anticipated by United States Patent 6,571,416 issued to Hirse  
24 (hereafter the “Hirse Patent”). The Applicant also acknowledges the Examiner’s statement  
25 concerning the rejection of Claim 1 as being obvious under 35 U.S.C. Section 103(a) as being  
26 unpatentable over the Hisey Patent. The Applicant also acknowledges the Examiner’s statement  
27 that Claim 6 which is a dependent claim from Claim 5 is obvious under 35 U.S.C. Section 103(a)  
28 as being unpatentable over Hisey in view of Great Britain Patent 493,802.

1           Based upon what the Examiner has said, the Applicant has amended Claim 1, has  
2 cancelled Claims 2 through 4, has combined Claims 5 and 6, and has cancelled Claims 7 and 8.  
3           The Applicant will now present argument as to why now amended Claim 1 and now amended  
4           Claim 5 which includes the limitations of Claim 6 are allowable over the cited references.

5           3.05     The Applicant will now present its arguments as to why Claim 1 as now  
6           amended is allowable over the cited references. The Examiner has used the Hisey Patent as the  
7           primary reference to argue that Claim 1 as originally filed was obvious. The Applicant  
8           acknowledges the various statements made by the Examiner in Paragraph 4 of the Office Action  
9           which continues from Page 3 through Page 5. What the Examiner has said about Hisey is  
10          correct. However, Hisey does not disclose certain key features which the Applicant believes  
11          make the now amended Claim 1 patentable over the Hisey Patent. First, The Hisey Patent did  
12          not disclose the nature of the portion of the whisk broom that is disclosed in the present '418  
13          Application. The Applicant has further amended Claim 1 to more particularly define the whisk  
14          broom portion of the device to include the features of the upper portion of the whisk broom  
15          which include the upper surface having a horizontal surface on its innermost portion adjacent the  
16          first section, and then tapering at an angle until it converts to an outermost horizontal portion, the  
17          outermost horizontal portion positioned lower than the innermost horizontal portion. Further,  
18          with respect to the nature of the handle as set forth in claim element "g", the Applicant has added  
19          the additional limitation stating that the handle extends over a portion of the upper surface of the  
20          housing portion of said second section, including over the outermost horizontal portion, the  
21          angled portion, and over part of the innermost horizontal portion. The nature of the handle as set  
22          forth in the nature of the design of the present invention make it significantly different and more  
23          efficient than the design of the Hisey Patent. In the Hisey Patent, the user essentially must pull  
24          the whisk broom portion out of the remainder of the broom and then grasp it with a horizontal  
25          action in the slot which forms a portion between the upper and lower wall of the handle 36 and  
26          43. The present invention makes for a much more efficient gripping member because the handle  
27          itself is positioned over the horizontal portion of the broom of the whisk broom portion and the  
28          nature of the design of the outermost horizontal surface being lower than the innermost

1 horizontal surface permits sufficient room for the person to place his hand into this area and  
2 grasp the handle to more vigorously brush with the broom. Further, the design of having the  
3 lower surface of the handle having a multiplicity of stepped sections and various angles makes  
4 for a far more efficient design and a far better angled whisk broom. Having the multiplicity of  
5 stepped sections orients the bristles at an outward direction which makes for a much more  
6 efficient and vigorous whisk broom action in cleaning corners and narrow spaces where the  
7 orientation of the angles with the angle of the bristles extending at a greater and greater angle  
8 from the innermost portion of the outermost portion makes for a more efficient and vigorous  
9 whisk broom. Therefore, these features as now set forth in Claim 1 make the device patentable  
10 over the prior reference.

11       Further, the nature of the way the whisk broom portion is locked into the  
12 remainder of the broom portion is totally different from that as disclosed in the Hisey Patent.  
13 The problem with the Hisey Patent as disclosed is that the handle portion essentially is a press fit  
14 into the portion of the broom which contains the vertical handle and during vigorous brushing  
15 action, it is very easy for the press fit whisk broom to come loose from the remainder of the  
16 broom and make cleaning very difficult. Further, although as the Examiner points out, Column  
17 4, Lines 5 through 11 of the Hisey Patent state "In other words, second portion 14 is removably  
18 secured within first portion 12 by means of support member 32 being slidably moveable within  
19 base member 18. Support member 32 may be friction fit within base member 18, or detents (not  
20 shown) or other mechanical contrivance may be used to secure the parts together while allowing  
21 them to be readily separated by a user". In spite of the fact that this has been stated, the nature of  
22 the interlocking mechanism as shown in the present invention and set forth in Claim 1 is  
23 absolutely not disclosed and could not be incorporated into the design as set forth in Hisey. At  
24 most, there could be a detent on some portion of the whisk broom which somehow is a mating  
25 detent on the other portion but this is certainly still not as strong or as secure an interconnection  
26 as disclosed in the present invention. The Applicant goes into great detail in talking about the  
27 nature of the interconnection into the chamber with the opposite slot and the clip means spring  
28 into interact with the various slots and the whisk broom portion can only be separated when

1 pressure is exerted on the clip members to push them into the internal chamber. Claim element  
2 (i) which was formerly a whereby portion has now been changed to be a portion of the claim by  
3 having the “whereby” removed and making it an integral limitation in the claim. Accordingly,  
4 with this amendment, the nature of the interconnection is much more secure and much stronger  
5 than the interconnection as disclosed in the Hisey Patent and this additional limitation makes for  
6 a much more efficient broom. Clearly, during vigorous brushing action, if there were not a  
7 vigorous strong interconnection, it would be very easy for the whisk broom portion to come  
8 loose from the remainder of the portion which forms a push broom. With this new novel  
9 interconnecting mechanism which is set forth in detail in Claim element (b) and now Claim  
10 element (i) of Claim 1, the whisk broom is very securely retained in the push broom and will  
11 remain in this position during vigorous brushing action and can only be separated by having the  
12 clip means pressed inwardly to release the whisk broom portion from the push broom portion.  
13 Therefore, this portion of the claim is also not disclosed or made obvious by the Hisey Patent or  
14 any of the other cited patents and therefore, the combination of the two features as set forth  
15 above make Claim 1 allowable over the Hisey Patent.

16                   3.06 With respect to Claim 5, Claim 5 was originally rejected by the  
17 Examiner as being anticipated by the Hisey Patent. The limitations of Claim 6 have now been  
18 incorporated into Claim 5. The Examiner continued to reject Claim 6 on the grounds that he  
19 believed it was unpatentable based on a combination of the Hisey Patent and the Great Britain  
20 Patent 493,802. The Examiner stated that “Hisey discloses all elements above, however doesn’t  
21 include vertically spaced apart upper and lower internal chambers extending from the interior  
22 open end into a portion of the interior of the housing portion, wherein an upper mating member  
23 is received in the upper internal chamber and a lower mating member is received in the lower  
24 internal chamber.” The Examiner further states “‘802 discloses a sweeping brush that has a first  
25 housing (1) and a second housing (2) that are joined by a first section having an upper internal  
26 chamber and a lower internal chamber (once ends ‘20’ are driven into the housing; see Figure 7;  
27 Page 3 Lines 58-64) an upper mating member (19) and a lower mating member (18), wherein the  
28 upper and lower mating member is received in the internal chamber for joining the first and

1 second housings (Page 3 Lines 58-64)."

2 It is respectfully submitted that the nature of the upper and lower mating members  
3 as disclosed in the British Patent are totally different from the present invention. Further, there  
4 the mating members deal with having only a whisk broom which has a handle which is mated  
5 into the head of the whisk broom. That is totally different from the present invention. The  
6 present invention as now set forth in amended Claim 5 includes the unique interlocking feature  
7 as the Examiner has pointed out. The interlocking feature of Hisey is totally different. As set  
8 forth in the arguments in the previous paragraph, the press fit of the whisk broom into the  
9 remainder portion of the broom in Hisey makes for a very unstable brushing action because it is  
10 very easy for the whisk broom portion to become loose and fall away during vigorous brushing  
11 action. Even with a detent, the nature of the interlocking mechanism is totally different. In  
12 complete contrast, with the now combined Claims 5 and 6 into one Claim 5, the secure  
13 interlocking feature of having an upper and lower interlocking member which can only be  
14 released by having the clip members pressed out of the mating slot makes for a much more  
15 secure and much stronger interlocking member so that the whisk broom portion will not become  
16 loose from the remaining portion of the push broom during vigorous brushing action. The whisk  
17 broom portion can only be removed from the remaining portion of the broom by having two sets  
18 of interlocking clip members pressed inwardly and released. This is a significant improvement  
19 over the prior art.

20 Further, the Applicant wishes to point out that in Claim 5, the nature of the way  
21 the whisk broom is held as pointed out in Claim element (h) (formerly Claim element (g)), is that  
22 the "housing further comprising grasping means incorporated into said first and second sidewall  
23 of the housing portion." This is specifically item number 168. It is abundantly clear that this  
24 nature of the way the whisk broom is grasped is totally different from the way the whisk broom  
25 is grasped in the cited references.

26  
27 4. For all of these reasons, it is respectfully submitted that now significantly  
28 amended Claim 1 and amended Claim 5 are allowable over all of the cited prior art references

1 and issuance of a Notice of Allowance is respectfully solicited. The Examiner is respectfully  
2 requested to call the Applicant's attorney at (818) 783-0990 if the Examiner has any further  
3 questions.

4 Respectfully submitted,

5  
6 Date: June 20, 2005

*Thomas I. Rozsa*  
7 Thomas I. Rozsa  
8 Registration No. 29,210

9 Customer No. 021907  
10 Telephone (818) 783-0990  
11 Facsimile (818) 783-0992

ROZSA LAW GROUP LC  
12 15910 Ventura Boulevard, Suite 1601  
13 Encino, California 91436-2815

14  
15  
16 I hereby certify that this correspondence  
17 is being deposited with the United States  
18 Postal Service as Express Mail in an envelope  
19 addressed to: Commissioner for Patents,  
20 P.O. Box 1450, Alexandria, VA 22313-1450

21 Date of Deposit June 20, 2005  
22 Express Mail No. EV 593948561US

23 THOMAS I. ROZSA  
24 Registration No. 29,210

*Thomas I. Rozsa* June 20, 2005  
25 Signature and Date

26 broom.amn.001